

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:) BK. NO. 10-81345-TLS
DARYELL E. ZELLMER)
KATHY L. NUTT-ZELLMER SSN: ####-##-3815)
SSN: ####-##-3929)
)

Debtors.

TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN

COMES NOW, KATHLEEN A. LAUGHLIN, Chapter 13 Trustee, and objects to confirmation of the plan pursuant to 11 U.S.C. § 1324 and Bankruptcy Rule 3015 (f) for the following reason(s):

1. 11 U.S.C. §1308 requires the debtors, not later than the day before the First Meeting of Creditors, to file with the appropriate tax authorities all tax returns for all taxable periods ending during the 4-year period ending on the date of the filing of the petition, assuming the debtors were required to file a tax return under applicable non-bankruptcy law. Under 11 U.S.C. §1325(a)(9), the filing of tax returns in compliance with §1308 is a condition of confirmation. Pursuant to §521(f), the Trustee hereby requests that the debtors produce a copy of their 2009 Federal tax return. Until this document is filed with the appropriate taxing authority, a copy of the return is supplied to the Trustee, and the Trustee has had an opportunity for review, the Trustee reserves all objections to confirmation.
2. Based upon the secured claim filed by Santander Consumer, the plan is insufficiently funded.

WHEREFORE, Trustee prays that the Trustee's Objection to Confirmation be sustained.

DATED: June 21, 2010

s/ Kathleen A. Laughlin
Kathleen A. Laughlin #16883
Chapter 13 Trustee
13930 Gold Circle, Suite #201
Omaha, NE 68144
(402) 697-0437
1-800-884-0437

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Trustee's Objection was served on PATRICIA A GERINGER, debtors attorney via the CM/ECF system of the United States Bankruptcy Court and a copy was mailed on June 21, 2010, by first-class, U.S. mail, postage prepaid to the Debtors at the addresses listed below:

DARYELL E. ZELLMER
3723 FLORENCE BLVD
OMAHA, NE 68111

KATHY L. NUTT-ZELLMER
3723 FLORENCE BLVD
OMAHA, NE 68111

s/ Kathleen A. Laughlin
Kathleen A. Laughlin